UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 6,418,557-B1 to Otani.

Regarding claims 1 and 2, Baker discloses in Figure 1, a Video on Demand system which supplies a video program to a subscriber receiver 22, a transaction server (VOD server 12) is connected to a video library 10 that stores VOD programs (column 6, line 38-45), video server 12 receives video requests from users (column 7, lines 28-55) retrieves the requested video from the video library 10 and passes it on to the network interface which in turn transfers it to the user's receiver 22, each video event or stream is assigned its own set of memory buffers for the temporary storage and synchronization of the video data, the data is retrieved from disks 10 and stored in main storage unit 38 prior to transmission (column 7, line 45-55, column 9, lines 2-57), the video servers may support multiple titles for transmission to multiple users (column 11, line 58-column 12, line 6).

Baker does not disclose a plurality of video servers coupled to the transaction server or a middleware environment.

Otani discloses in Figures 1 and 2, a number of VOD servers 40-m which are coupled to request control unit 50 via cable 70 which processes requests from user set top boxes and turns on power to more VOD servers when needed (column 5, lines 16-36, column 6, lines 16-57, column 7, line 39-column 8, line 9).

The examiner takes official notice that the use of middleware to enable two separate applications to exchange data between one another via a 3rd set of software is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Baker to include multiple VOD servers coupled to a transaction server as taught by Otani in order to reduce the server load, by powering on additional servers when needed, and to utilize middleware to enable the transaction server applications to interface with the VOD server applications in order to enable access to the user billing records.

Regarding claim 3, Baker discloses that video server 12 may be a mainframe system (column 8, lines 43-51) and discloses in Figure 3 that the mainframe (video server 12) may be coupled to a transaction server 54 (control server 54, column 10, lines 38-63), additionally the mainframe can act as a transaction server in of itself (column 7, lines 28-55). Otani discloses in Figures 1 and 2, a number of VOD servers 40-m which are coupled to request control unit 50 via cable 70 which processes

requests from user set top boxes and turns on power to more VOD servers when

needed (column 5, lines 16-36, column 6, lines 16-57, column 7, line 39-column 8, line

9).

Regarding claim 4, Baker discloses that video server 12 may be a Unisys

mainframe system (column 8, lines 43-51).

Regarding claim 5, Baker discloses that the transaction server may spool the

video (column 7, line 45-55) and that the format can be MPEG 2 (column 7, lines 9-16).

Regarding claims 6, Baker discloses in Figure 1, a Video on Demand system

which supplies a video program to a subscriber receiver 22, a transaction server (VOD

server 12) is connected to a video library 10 that stores VOD programs (column 6, line

38-45), video server 12 receives video requests from users (column 7, lines 28-55)

retrieves the requested video from the video library 10 and passes it on to the network

interface which in turn transfers it to the user's receiver 22, each video event or stream

is assigned its own set of memory buffers for the temporary storage and

synchronization of the video data, the data is retrieved from disks 10 and stored in main

storage unit 38 prior to transmission (column 7, line 45-55, column 9, lines 2-57), the

video servers may support multiple titles for transmission to multiple users (column 11,

line 58-column 12, line 6).

Regarding claim 7, Baker discloses that video server 12 performs subscriber

accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Regarding claim 8, Baker discloses in Figure 1, a Video on Demand system in which a transaction server (VOD server 12) is connected to a video library 10 that stores VOD programs (column 6, line 38-45), video server 12 receives video requests from users (column 7, lines 28-55) retrieves the requested video from the video library 10 and passes it on to the network interface which in turn transfers it to the user's receiver 22, (column 7, line 45-55, column 9, lines 2-57).

Baker does not disclose a plurality of video servers coupled to the transaction server or a middleware environment.

Otani discloses in Figures 1 and 2, a number of VOD servers 40-m which are coupled to request control unit 50 via cable 70 which processes requests from user set top boxes and turns on power to more VOD servers when needed (column 5, lines 16-36, column 6, lines 16-57, column 7, line 39-column 8, line 9).

The examiner takes official notice that the use of middleware to enable two separate applications to exchange data between one another via a 3rd set of software is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Baker to include multiple VOD servers coupled to a transaction server as taught by Otani in order to reduce the server load, by powering on additional servers when needed, and to utilize middleware to enable the transaction server applications to interface with the VOD server applications in order to enable access to the user billing records.

Regarding claim 9, Baker discloses that the transaction server may spool the video (column 7, line 45-55) and that the format can be MPEG 2 (column 7, lines 9-16).

Regarding claim 10, Baker discloses that video server 12 may be a Unisys mainframe system (column 8, lines 43-51).

Regarding claim 11, Baker discloses in Figure 1, a Video on Demand system which supplies a video program to a subscriber receiver 22, a transaction server (VOD server 12) is connected to a video library 10 that stores VOD programs (column 6, line 38-45), video server 12 receives video requests from users (column 7, lines 28-55) retrieves the requested video from the video library 10 and passes it on to the network interface which in turn transfers it to the user's receiver 22, each video event or stream is assigned its own set of memory buffers for the temporary storage and synchronization of the video data, the data is retrieved from disks 10 and stored in main storage unit 38 prior to transmission (column 7, line 45-55, column 9, lines 2-57), the video servers may support multiple titles for transmission to multiple users (column 11, line 58-column 12, line 6).

Regarding claim 12, Baker discloses that a subscriber receives the VOD program on a receiver (decoder 22, column 8, lines 18-41).

Regarding claim 13, Baker discloses that video server 12 acts as a transaction gateway (column 7, lines 28-55, Figure 4, column 10, line 64-column 11, line 22).

Regarding claim 14, Baker discloses that video server 12 processes subscriber transactions (column 7, lines 36-55).

Regarding claim 15, Baker discloses that video server 12 is a Unisys mainframe (column 8, lines 42-48).

Regarding claim 16, Baker discloses in Figure 1, a Video on Demand system which supplies a video program to a subscriber receiver 22, a transaction server (VOD server 12) is connected to a video library 10 that stores VOD programs (column 6, line 38-45), video server 12 receives video requests from users (column 7, lines 28-55) retrieves the requested video from the video library 10 and passes it on to the network interface which in turn transfers it to the user's receiver 22, each video event or stream is assigned its own set of memory buffers for the temporary storage and synchronization of the video data, the data is retrieved from disks 10 and stored in main storage unit 38 prior to transmission (column 7, line 45-55, column 9, lines 2-57), the video servers may support multiple titles for transmission to multiple users (column 11, line 58-column 12, line 6).

Regarding claim 17, Baker discloses that the VOD stream may be paused in response to a viewer command (column 12, lines 7-17).

Regarding claim 18, Baker discloses that the VOD stream may be rewound in response to a viewer command (column 12, lines 7-17).

Regarding claim 19, Baker discloses in Figure 8, that a user make issue a forward request 132 (column 16, lines 5-9).

Regarding claim 20, Baker discloses that video server 12 performs subscriber accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,873,022 to Huizer: Method of Receiving Compressed Video Signals Using a Latency Buffer During Pause and Resume.

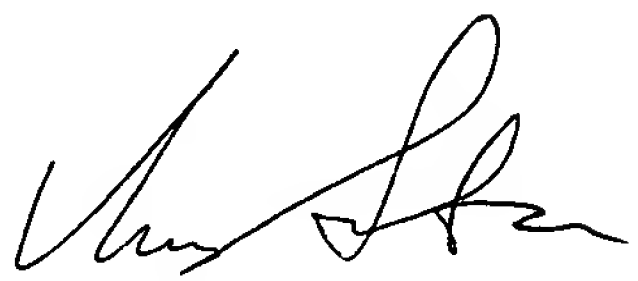U.S. Patent 5,768,881 to Dan: Channel Conservation for Anticipated Load Surge in Video Servers.

U.S. Patent 6,052,555 to Ferguson: Method for Speeding MPEG Encoding using JPEG Pre-Processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HBL

VIVEK SRIVASTAVA
PRIMARY EXAMINER